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Decision Memo  
Minecraft Mining Plan of Operations  
Seward Ranger District, Chugach National Forest  
U.S. Forest Service

## Summary

After careful consideration of public input, the recommendations of appropriate resource specialists, and the requirements of applicable laws and regulations, I have decided to approve the plan of operations for placer mining along Bear Creek.

## Background and Location (see attached map)

On April 22, 2020, Matthew Hemmer submitted a mining plan of operations for placer mining. The Proposed Action is to conduct seasonal placer mining exploration on a placer claim on Bear Creek. The site is located along the trail that continues past the gated end of Bear Creek Road on the Chugach National Forest, Seward Ranger District near the community of Hope, Alaska. This area is accessible by off highway vehicles on a gated road and then on a trail that are both closed to motorized use by the general public.

## Decision

I have decided to approve the plan of operations with modifications included in the signed Modification Agreement. The following activities are authorized under this plan:

### Mining Activities

This operation will use metal detectors, hand tools, suction dredging in the stream channel utilizing a power sluice, and high banking on benches to determine locations of recoverable placers. Equipment will be restricted to the use of motorized pumps of 18 horsepower or less and intake hoses of six inches or less in diameter.

### Fuel

Fuel will be transported to the claim in 5-gallon or smaller containers that meet DOT requirements and should be specifically designed for that use. All fuel must be stored or placed at least 100 feet away from water where practical and have secondary containment capable of 110% of the volume of a spill.

### Access

Access will be by road vehicle to the gate on Bear Creek Road that begins near mile 15.8 of the Hope Highway. From there, to approximately 3.5 miles up the Bear Creek Road/trail, access will be by OHV up the trail and on footpaths to the creek. Minor maintenance activities are authorized but no modifications to the road or trail are authorized. Any proposed changes to the approved operations require submittal of a supplement which is then subject to approval.



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The following mitigation is required:

Wildlife Resources: If any new goshawk or bald eagle nests are found in or adjacent to the mining area, the operator is required to notify the Minerals Administrator

Heritage Resources: If any artifacts are discovered, they must be left in place and the Minerals Administrator must be contacted for further instruction.

Access: The access gate shall be kept locked in a double lock system including a miner's lock and a Forest Service lock.

Cleanliness of the Operation: Food, fuel, and garbage must be stored in bear-proof containers or by methods that make it unavailable to bears or other wildlife and garbage shall be taken to a transfer station at least weekly.

This action is categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA). The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e)(3) which allows for "*Approval, modification, or continuation of special uses that require less than 20 acres of NFS lands.*"

This decision is for the approval of a mining plan of operation requiring approximately ½ acre of NFS lands and therefore, this category is appropriate.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species—none are present.
2. Flood plains, wetlands, or municipal watersheds—none are present.
3. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas—none are present.
4. Inventoried roadless areas—the site is within the Resurrection Inventoried Roadless Area. No roads will be constructed or reconstructed, and no timber will be harvested. This activity is consistent with the Roadless Area Conservation Rule.
5. Research natural areas—none are present.
6. American Indians and Alaska Native religious or cultural sites—none are present.
7. Archaeological sites, or historic properties or areas—none are present.



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This decision is not expected to have significant adverse impacts to the above resource conditions.

### **Scoping**

This project was listed on the Chugach National Forest Schedule of Proposed Actions (SOPA) beginning in May 2020 and will remain on the SOPA until after this decision is signed. The project has been reviewed internally. The public has not raised any issues or concerns about this proposal.

### **Findings Required by Other Laws and Regulations**

This decision is consistent with the 2020 Chugach National Forest Land Management Plan. The project is in Management Area 4—Backcountry. It complies with all applicable standards and guidelines and does not foreclose the opportunity to maintain or achieve any applicable goals, desired conditions, or objectives, over the long term. The plan is silent on suitability for this type of activity in this management area, thus according to the forest plan, this project is in compliance with the plan in terms of suitability.

#### Travel Management Rule (36 CFR 212)

36 CFR 212.51 (a)(8) provides an exemption for motor vehicle use that is specifically authorized under a written authorization under federal law or regulation. 36 CFR 228.12 allows mining operators access in connection with their operations. The plan of operations is consistent with the forest plan regarding access (FW-INFRA-S-10).

#### Endangered Species Act of 1973

No habitat for federally threatened or endangered species is present in the project area. This activity should have no effects upon any federally threatened or endangered species.

#### Federal Water Pollution Control Act of 1972 (CWA)

All newly approved plans of operations for mining operations on National Forest System lands must comply with the Federal Water Pollution Control Act of 1972. Proposed mining activities, which can reasonably be expected to result in any discharges into waters of the United States, are subject to compliance with CWA Sections 401, 402, and/or 404 as applicable.

#### Environmental Justice (E.O. 12898)

I have determined that, in accordance with Executive Order 12898, this project does not have disproportionately high and adverse human health or environmental effects on minority populations and/or low-income populations.

#### ANILCA Section 810, Subsistence Evaluation and Finding

There is no documented or reported subsistence use that would be restricted because of this decision. For this reason, it is unlikely that this project will result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods.



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### National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act (NHPA) includes locating, inventorying and nominating all cultural sites that may be directly or indirectly affected by scheduled activities. Issuing a plan of operations is considered an undertaking under Section 106 of the NHPA and therefore requires review. A qualified archaeologist has inventoried the project area and has determined there will be no effect to existing heritage resources; however if in the process of work on the claim any archaeological materials are discovered, work is to cease and contact is to be made with the Minerals Administrator for further instruction.

### Magnuson Stevens Act

The Magnuson-Stevens Fishery Conservation Act (the Act) requires that all federal agencies consult with the National Marine Fisheries Service (NMFS) when any project "may adversely affect" essential fish habitat (EFH). The Act also requires that agencies with existing consultation processes contact NMFS to discuss how the existing processes can be used to satisfy the EFH consultation requirements (50 CFR 600.920(e)(3)). I have determined that the proposed mining plan of operation will have a negligible effect on EFH, and therefore no further consultation is required.

### Executive Order 12962

Recreational Fisheries – Federal agencies are required, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. As required by this Order, the effects of this action on aquatic systems and recreational fisheries have been evaluated and the effects relative to the purpose of this order have been documented. This proposal will likely have no effect on recreational sport fisheries.

### Floodplain Management (E.O. 11988)

Executive Order 11988 requires Federal agencies to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. This project is consistent with this order.

### **Implementation Date**

This decision is not subject to the appeal or objection processes. Implementation of this decision may occur immediately.

### **Contact**

For additional information concerning this decision, contact: Scott Leslie, Minerals Administrator, at email: [scott.leslie@usda.gov](mailto:scott.leslie@usda.gov), or by phone at (907-288-7729), or by FAX (907-228-2000).

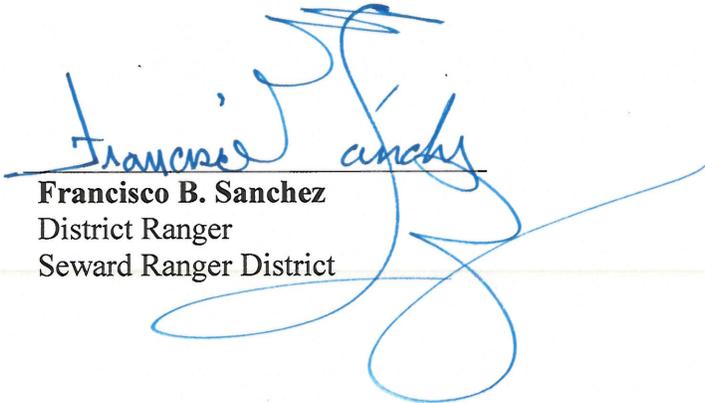
Additional information about this decision also can be found on the Chugach National Forest web page at: <https://www.fs.usda.gov/project/?project=58226>



Alaska Region  
Forest Service  
Chugach National  
Forest

Seward Ranger District  
33599 Ranger Station Spur  
Seward, AK 99664-0390  
Phone: (907) 288-7756



  
**Francisco B. Sanchez**  
District Ranger  
Seward Ranger District

4/1/2021  
Date

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